

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
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4 HEATH VINCENT FULKERSON,

5 Plaintiff,

6 v.

7 JAMES HARDIE BUILDING PRODUCTS,
8 INC., et al.,

9 Defendants.

Case No. 3:20-cv-0516-MMD-CLB

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE¹

10 **I. DISCUSSION**

11 On September 11, 2020, Plaintiff submitted a *pro se* complaint alleging violations
12 of Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990.
13 (See ECF No. 1-1.) On October 15, 2020, the court conducted a screening of the
14 complaint pursuant to 28 U.S.C. § 1915. (ECF No. 4) The screening order dismissed the
15 complaint, without prejudice, and with leave to amend. (*Id.*) Plaintiff was directed to file
16 an amended complaint within thirty (30) days and was cautioned that failure to file an
17 amended complaint curing the deficiencies outlined in the screening order would result in
18 the issuance of a Report and Recommendation that the action be dismissed, with
19 prejudice, for failure to state a claim. (*Id.* at 5-6.) To date, Plaintiff has not complied with
20 this court's order, as he has not submitted an amended complaint.

21 Accordingly, the court recommends this action be dismissed, with prejudice, for
22 failure to state a claim.

23 The parties are advised:

24 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of
25 Practice, the parties may file specific written objections to this report and recommendation
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27 ¹ This Report and Recommendation is made to the Honorable Miranda M. Du, United
28 States District Judge. The action was referred to the undersigned Magistrate Judge
pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4.

1 within fourteen days of receipt. These objections should be entitled "Objections to
2 Magistrate Judge's Report and Recommendation" and should be accompanied by points
3 and authorities for consideration by the District Court.

4 2. This report and recommendation is not an appealable order and any notice
5 of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
6 Court's judgment.

7 **II. RECOMMENDATION**

8 For the reason stated above, the court recommends that the District Court enter
9 an order **DISMISSING** this action with prejudice, for failure to state a claim.

10 **DATED:** December 2, 2020.

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13 **UNITED STATES MAGISTRATE JUDGE**
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